

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOHN BARTOLOTTI,

Plaintiff,

-against-

KEYSPAN ENERGY,

Defendant.
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APPEARANCES:

LAW OFFICE OF STEVEN A. MORELLI
BY: STEVEN A. MORELLI, ESQ.
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WEXLER, District Judge

In this action brought pursuant to the Americans With Disabilities Act, in which Plaintiff claims that he was discriminated against based upon a perceived disability, Defendant moves for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Upon consideration of the papers in support of and in opposition to the motion, this Court finds that genuine issues of material fact exist precluding the entry of summary judgment with respect to Plaintiffs' claims and Defendants' defenses. See Fed. R. Civ. P. 56(c) (a party seeking summary judgment must demonstrate that "there is no genuine issue of any material fact and that the

MEMORANDUM AND ORDER


CV 06-5760

(Wexler, J.)

C/m

moving party is entitled to a judgment as a matter of law."); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986); Donohue v. Windsor Locks Bd. of Fire Comm'rs, 834 F.2d 54, 57 (2d Cir. 1987). Accordingly, Defendant's motion for summary judgment is denied. The denial of the motion is without prejudice to renewal at the close of the case. The Clerk of the Court is directed to terminate the motion.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
May 1, 2008